



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**NOTICE OF APPEAL AND REQUEST FOR
EXTENSION OF TIME
PURSUANT TO 37 C.F.R. § 1.136(a) AND
TRANSMITTAL OF RESPONSE**

Docket Number
2345/110

Application Number
09/462,337

Filing Date
April 17, 2000

Examiner
David S. Kim

Art Unit
2633

Title
**METHOD FOR TRANSMITTING SIGNALING AND
CONTROL INFORMATION FOR WAVELENGTH-
DIVISION MULTIPLEX NETWORKS FOR USE IN
OPTICAL, FIBER-BOUND INFORMATION
TRANSFER**

Applicant(s)
Klaus-Peter ZEFFLER et al

RECEIVED

MAY 06 2004

Technology Center 2600

Address to:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: April 29, 2004

Signature: Linda M. Shudy
Linda M. Shudy (Reg. No. 47,084)

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action of October 31, 2003 finally rejecting claims 14 to 23 and 27. Applicants believe that claims 14 to 23 and 27 should be allowed, and respectfully make this appeal of the Examiner's rejections of those claims.

This is also a Request pursuant to 37 C.F.R. § 1.136(a) by which Applicants respectfully request a three-month extension of time in which to respond to the Final Office Action so that the original three month response period is extended from January 31, 2004 to April 30, 2004. An Amendment is being filed concurrently (attached hereto) with this Notice of Appeal.

The Commissioner is hereby authorized to charge the 37 C.F.R. § 1.191 Notice of Appeal fee, which is believed to be **\$330.00**, and the 37 C.F.R. § 1.136(a) three-month extension fee, which is believed to be **\$950.00**, to the deposit account number **11-0600** of **Kenyon & Kenyon**. The Commissioner is also authorized, as appropriate and/or necessary, to charge any additional fees, including any additional Rule 136(a) extension fees, or credit any excess fees to deposit account number **11-0600** of **Kenyon & Kenyon**. Two duplicate copies of this paper are enclosed for those purposes.

Dated: April 29, 2004

By:

Richard L. Mayer *by Linda Shudy*
Richard L. Mayer (Reg. No. 22,490)

05/04/2004 TBESHAH1 00000132 110600 09462337

01 FC:1401 330.00 DA

KENYON & KENYON
One Broadway
New York, New York 10004
Tel. (212) 425-7200
Fax (212) 425-5288

CUSTOMER NO. 26646